

Agenda Item	
A-1	<p>Wishing to be heard during the Open Comment Period was Jerry Miller, Rochester Towing. Mr. Miller asked the Council to look into the matter of his company being removed from the Police Department rotation list for towing of vehicles. He said that allegations had been made as to excessive pricing, problems with insurance, and rudeness. Mr. Miller said that he had previously proposed to the Police Department that he be allowed to tow all abandoned vehicles, with no cost to the City, and had never heard back on that proposal.</p> <p>President Hunziker asked the City Administrator to look into the matter and report back to the Council.</p>
B-1	<p>President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also present: Mayor Ardeall F. Brede.</p>
C-1	<p>Councilmember Nowicki told Councilmembers that the petition for sidewalk on Teton Lane and 11th Avenue N.E. was not from the residents on those streets but other streets surrounding the area. He said that the matter has come before the Council on three other occasions. During those times, the petitions were either turned down or nothing done. There currently exists a problem for children walking to school and using the street because of the lack of sidewalks.</p> <p>Councilmembers Nowicki moved, McConnell seconded, to create a committee made up of the Public Works traffic engineer, ISD 535's transportation manager, a school board member, a City Councilmember (other than himself), and a member of the Police Department responsible for this area to study and deem the streets hazardous or not and to recommend the Public Works Department size the sidewalk gap problem in Rochester by (1) reporting on the scope of effort required, (2) making priority suggestions to fill in the gaps, (3) recommending a fee recovery structure, and (4) recommending exceptions if appropriate. Ayes (7), Nays (0). Motion carried.</p>
D-1-15	<p>Councilmembers Hanson moved, Stobaugh seconded, to approve the following consent agenda items.</p>
D-1	<p>Approved the minutes of the November 3, 2003, Council Meeting.</p>
D-2	<p>Approved the appointment of Richard Wright to the Rochester Convention and Visitors Bureau for the term expiring December 2006.</p>
D-3	<p>Approved an amendment to the Parade Ordinance and instructed the City Attorney to prepare the required Ordinance for adoption.</p>
D-4	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Gambling – Temporary</u> Pheasants Forever – Tri County Chapter – Raffle at Radisson Plaza Hotel – January 10 and April 2, 2004.</p>

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	<p><u>Gambling – Premise Permit Renewal</u> American Legion Post 92, Rochester</p> <p><u>Sidewalks – Cement</u> Lyndon Clark Construction LLC, Plainview</p> <p><u>Miscellaneous</u> Downtown Business Association – Santa Arriving Downtown – Peace Plaza to Central Park Carriage Rides – November 28, 2003 – 5:00 to 8:30 PM Rochester Fire Department Relief Association – Memorial Dedication at Silver Lake Park – December 24, 2003 – 12 Noon to 2:00 PM</p>
D-5	Approved Accounts Payable in the amount of \$4,943,068.43 and Investment Purchases of \$999,375.00.
D-6	Accepted a donation of \$100 from Mary Goodsell to the Rochester Police Honor Guard to be used for purchase of uniforms and equipment items.
D-7	Accepted a donation of \$50 from the family of Jack Paine to the Rochester Police Honor Guard to be used for purchase of uniforms and equipment items.
D-8	Adopted Resolution No. 585-03 authorizing an Engineering Service Agreement with the Polaris Group for the detail design of the culvert replacement at 3 rd Avenue N.W. for Project No. J-4014 “Design Elton Hills Ravine Culvert Replacement at 3 rd Avenue N.W. between 31 st Street and Chalet Drive”.
D-9	<p>Adopted Resolution No. 586-03 amending Section B “No Parking” of the <u>Comprehensive Traffic and Parking Resolution</u>, deleting paragraphs:</p> <p>(316) No parking on Plummer Circle SW, on both sides, from 9:00 AM until 10:00 AM, Monday through Friday.</p> <p>(316.2) No Parking on Plummer Lane SW, on both sides, from Plummer Circle to cul-de-sac, from 9:00 AM until 10:00 AM, Monday through Friday.</p>
D-10	<p>Adopted Resolution No. 587-03 amending the <u>Comprehensive Traffic and Parking Resolution Book</u> adding Paragraph 120.7 to Section B “No Parking” as follows:</p> <p>(120.7) 5th Avenue SE between 5th Street and 6th Street, along the median island, at all times.</p>
D-11	<p>Adopted Resolution No. 588-03 amending the <u>Comprehensive Traffic and Parking Resolution Book</u> adding Paragraph 3.25 to Section H “Zone F – 2 Hour Parking” as follows:</p> <p>(3.25) 5th Avenue NW on the west side, from a point 35 feet more or less</p>

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	<p style="text-align: center;">south of 2nd Street NW to a point 105 feet more or less south of 2nd Street NW, 8:00 AM to 6:00 PM Monday through Friday.</p>
D-12	Adopted Resolution No. 589-03 accepting voluntary participation in the City's Regional Storm Water Management Plan by Rochester Area Builders, Inc.
D-13	Adopted Resolution No. 590-03 amending the 2003 contract with Rochester City Lines increasing the maximum reimbursement for the operating deficit to \$1,431,411 subject to available state and federal funding.
D-14	Adopted Resolution No. 591-03 approving the execution of the First Supplemental Amendment to the Development Agreement for Stonehedge Development LLC.
D-15	Adopted Resolution No. 592-03 approving Amendments to the Minnesota Environmental Science and Economic Review Board Joint Powers Agreement.
D-16	Approved \$1200 from the CDBG Contingency Fund to RADAR as a 2003 activity.
D-17	<p>Approved the transfer of the On-Sale Intoxicating and Sunday Liquor Licenses from the MPLS Hotel LLC to Phoenix Hotel LLC pending the required fees, insurance certificates and departmental approvals.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat located along the north side of East Circle Drive NE, east of TH63.</p> <p>The applicant has requested that the item be continued to the December 1, 2003, meeting.</p> <p>No one wished to be heard at this time.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to continue the Hearing on Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat to the December 1, 2003, meeting. Ayes (7), Nays (0). Motion carried.</p>
E-2	<p>A Hearing on Type III Phase II Amendment #03-01 to the Final Plan which covers Apache Mall Shopping Center to allow the construction of a restaurant located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to adopt Resolution No. 593-03 approving Amendment #03-01 to the Final Plan which covers Apache Mall Shopping Center with three conditions. Ayes (7), Nays (0). Motion carried.</p>


RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 27 – November 17, 2003

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E-3	<p>A Hearing on Type III, Phase III Conditional Use Permit #03-51 by Assisi Heights Animal Hospital located on the northwest corner of 11th Avenue NW and 14th Street NW.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to adopt Resolution No. 594-03 approving Conditional Use Permit #03-51 by Assisi Heights Animal Hospital with one condition. Ayes (7), Nays (0). Motion carried.</p>
E-4	<p>A Hearing on Type III, Phase II Conditional Use Permit #03-52 by Western Walls, Inc. to allow placement of fill on property located south of 7th Street NW and east of Lake Street NW.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 595-03 approving Conditional Use Permit #03-52 by Western Walls, Inc. with two conditions. Ayes (7), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Final Plat #03-13 to be known as Viola Hills Subdivision by Todd Ustby located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Hanson seconded, to adopt Resolution No. 596-03 approving Final Plat #03-13 to be known as Viola Hills Subdivision with six conditions. Ayes (7), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Final Plat #03-38 by Accessible Space, Inc. to be known as A SI Subdivision located south of Eastwood Road and east of Marion Road near the intersection of these two roads.</p> <p>Wishing to be heard was Peter Oetliker, Yaggy-Colby Associates, representing the applicant. He noted their agreement with the three conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Means seconded, to adopt Resolution No. 597-03 approving Final Plat #03-38 by Accessible Space, Inc. to be known as AS I Subdivision with three conditions. Ayes (7), Nays (0). Motion carried.</p>
E-7	<p>A Hearing on Final Plat #03-39, by Stonebridge Development to be known as Foxfield Subdivision located along the west side of 50th Avenue, north of the Douglas Trail and south of Middlebrooke Drive NW.</p> <p>Wishing to be heard was Ron Mell, Eden Prairie, representing the developer. He noted that they were in agreement with the five conditions.</p>

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	<p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 598-03 approving Final Plat #03-39, by Stonebridge Development to be known as Foxfield Subdivision with five conditions. Ayes (7), Nays (0). Motion carried.</p> <p>See also Item E-7 after Item E-12.</p>
E-8	<p>A Hearing on Utility Easement Vacation Petition #03-08 by Richard Martin and Lynette Oehlke-Martin to vacate seven feet of a utility easement located west of 14th Avenue SW and north of 6th Street SW.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 599-03 approving Utility Easement Vacation Petition #03-08 by Richard Martin and Lynette Oehlke-Martin. Ayes (7), Nays (0). Motion carried.</p>
E-9	<p>A Hearing on Annexation Petition #03-25 by Kelly and Kristi Madson on property located along the south side of Highway 14 East and along the east side of 40th Avenue S.E.</p> <p>Wishing to be heard was Irene Kullot, Eyota. She asked where the annexation was in proximity to Bob's Construction. President Hunziker told her this was the Bob's Construction property and the owner has asked to be annexed to the City.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Hanson seconded, to approve Annexation Petition #03-25 by Kelly and Kristi Madson and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
E-10	<p>A Hearing to Consider Proposed Fare Increases for Rochester City Lines.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 600-03 approving a new fare schedule as proposed in the Request for Council Action dated November 17, 2003. Discussion</p> <p>Mayor Brede asked if there was an allowance for people who needed some type of financial assistance program. Tony Knauer, Public Works Department, said that there are many agencies, including social services that make bus passes available to those needing them.</p> <p>Ayes (7), Nays (0). Motion carried.</p>

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E-11	<p>A Hearing to Consider Proposed Route Changes for Rochester City Lines.</p> <p>Councilmember Stobaugh asked about the discontinuance of Route 4D and if other routes would take the place of that particular bus. Tony Knauer, Public Works Department, replied that Route 3 will continue the service by day and Route 4 will proceed from 15th Avenue to Four Avenue S.E.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to adopt Resolution No. 601-03 approving the route changes for Rochester City Lines as outlined in Request for Council Action dated November 17, 2003. Ayes (7), Nays (0). Motion carried.</p>
E-12	<p>A Hearing to Consider the Proposed Assessment of Outstanding Billings for Weed Removal, Tree Removal, Debris Removal, Snow Removal, Secure Property, Impound Towing, Sewer/Water Charges and Sidewalk Repair.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 602-26 approving the Assessment of Outstanding Billings for Weed Removal, Tree Removal, Debris Removal, Snow Removal, Secure Property, Impound Towing, Sewer/Water Charges and Sidewalk Repair. Ayes (7), Nays (0). Motion carried.</p>
E-7	<p>Mitzi Baker, Planning Department, asked the Council to approve a Substantial Land Alteration for Final Plat #03-39 to be known as Foxfield Subdivision. The Substantial Land Alteration had been approved by the staff but was absent from the intended Council action.</p> <p>By general consensus, Councilmembers agreed that their previous approval of E-7 included the Substantial Land Alteration for Foxfield Subdivision and adopted Resolution No. 602A-03.</p>
F-1	<p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 603-03 accepting \$24,301 in Juvenile Accountability Incentive Block Grant (JAIBG) funds and entering into a multi-jurisdictional agreement with Olmsted County for matching funds of \$2700 and reporting requirements. Ayes (7), Nays (0). Motion carried.</p>
F-2	<p>Councilmembers Hanson moved, Nowicki seconded, to negotiate with the Minnesota Pollution Control Agency for the NPDES Permit Limits for the Water Reclamation Plant based on the recommended options as outlined in the Request For Council Action dated November 17, 2003. Ayes (7), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Amending and Reenacting Chapter 144 of the Rochester Code of Ordinances, Relating to Parades, was given a first reading.</p>

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G-2b	<p>An Ordinance Annexing to the City of Rochester Approximately 7.94 Acres of Land Located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 4, Township 106 North, Range 13 West, Olmsted County, Minnesota, was given a first reading. (Annex Petition #03-25 – South Side of Highway 14 East, East Side of 40th Avenue S.E.)</p>
G-3a	<p>An Ordinance Rezoning Approximately 10.53 acres of Property From the R-1 Zoning District to the B-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers Hanson moved, Nowicki seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Zoning District Amendment #03-17 – East of HyVee North, North of West River Parkway, South of 37th Street NW, West of Zumbro River)</p>
J-1	<p>Having no further business, Councilmembers Marcoux moved, Stobaugh seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.</p>
	<p style="text-align: center;"> _____ City Clerk</p>